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RAYMOND L. ARTHUR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE LEAPFROG ENTERPRISES, INC.  
SECURITIES LITIGATION

Case No. 3:15-CV-00347-EMC

**CLASS ACTION**

This Document Relates To:  
  
ALL ACTIONS

**STIPULATION AND  
[PROPOSED] ORDER  
VACATING SCHEDULE**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties – lead plaintiff KBC Asset Management NV (“Lead Plaintiff”) and defendants LeapFrog Enterprises, Inc., John Barbour, and Raymond L. Arthur (“Defendants”) – by and through their undersigned counsel of record, submit the following stipulation and proposed order to vacate all deadlines in light of an agreement-in-principle to settle all claims in this action pending negotiation and drafting of documents memorializing the settlement. This Stipulation is based on good cause, as demonstrated below.

### **RECITALS**

A. On August 30, 2017, the parties participated in a private mediation session before the Honorable Judge James Ware (Ret.) of JAMS, but were unable to reach a negotiated resolution of the action.

B. On September 28, 2017, following the most recent case management conference in this action, the Court encouraged the parties to renew efforts to mediate with Judge Ware. (Dkt. No. 153.)

C. On October 4, 2017, the Court entered a Case Management and Pretrial Order for Jury Trial setting forth various pretrial deadlines and a trial date of June 10, 2019. (Dkt. No. 154.)

D. Following the September 28, 2017 Case Management Conference, the parties have litigated the case pursuant to the parameters set by the Court. (*See* Dkt. No. 153.)

E. On November 7, 2017, Plaintiff filed its motion for class certification. Defendants’ opposition is presently due December 21, 2017; Plaintiff’s reply brief is due February 7, 2018; and the class certification hearing is presently scheduled for March 1, 2018 at 1:30 p.m.. (Dkt. No. 139.)

F. On November 29, 2017, the parties participated in a second mediation session before Judge Ware to explore a non-litigated resolution of this matter. Following extensive negotiations, the parties reached an agreement-in-principle to resolve all of the claims in this action, and desire additional time to conclude and document their efforts.

G. To conserve party and judicial resources, the parties agree that it would be most efficient and economical to vacate all pre-trial deadlines in the case while the parties negotiate

and prepare the settlement papers.

H. In compliance with Civil Local Rule 6-2(a)(2), the parties disclose that the Court has previously granted the parties' stipulated requests to continue the scheduled Initial Case Management Conference so that it was held at the same time as hearings on Defendants' motions to dismiss or to accommodate counsel's schedule (Dkt. Nos. 49, 69, 96, 99, 108, 130, 144) and has extended the class certification deadlines in this action (Dkt. No. 139).

### STIPULATION

NOW, THEREFORE, the undersigned parties stipulate, subject to the Court's approval, as follows:

1. The Court's scheduling orders entered on August 22, 2017 regarding class certification (Dkt. No. 139) and pretrial deadlines (Dkt. No. 154) are hereby vacated pending further order by the Court.

2. The parties will notify the Court of the status of the settlement documentation efforts by December 21, 2017.

DATED: December 5, 2017

ROBBINS GELLER RUDMAN  
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*/s/ Willow E. Radcliffe*  
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DATED: December 5, 2017

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Counsel for Defendants

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
**HON. EDWARD M. CHEN**  
UNITED STATES DISTRICT JUDGE

**ATTESTATION**

I, Ryan M. Keats, am the ECF User whose ID and password are being used to file this  
**STIPULATION AND [PROPOSED] ORDER VACATING SCHEDULE.** In compliance  
with Civil L.R. 5-1, I hereby attest that Willow E. Radcliffe concurred in this filing.

/s/ Mark R.S. Foster  
MARK R.S. FOSTER